

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

GEORGE AUBREY CROUCH,

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Plaintiff,

v.

CIVIL ACTION NO.

JACK COOPER TRANSPORT CO., INC.,

SA-07-CV-0992 FB

Defendant.

**ORDER DENYING IN FORMA PAUPERIS and ORDER RETURNING TO DISTRICT
COURT**

The matter before the court is plaintiff's application to proceed in forma pauperis.

In his application, plaintiff reports that he currently receives almost \$34,000 (pre-tax) annually from his 401K plan plus another \$1,200 a month from Social Security. His wife also receives a small monthly social security benefit. He is purchasing his home which is valued at approximately \$200,000. Although he has a number of regular monthly expenses listed in his application, his income is sufficient to absorb those expenses and pay the \$350.00 filing fee. While plaintiff need not establish that he is totally destitute before he may be granted leave to proceed in forma pauperis, after examining his statements concerning expenses and income, I find this plaintiff has the resources to pay the filing fee to initiate this action.

It is therefore **ORDERED** that:

1. Plaintiff's application for leave to proceed in forma pauperis is **DENIED**.
2. On or before 30 days from date of this Order, plaintiff shall pay the required filing fee in this cause.

3. In the event plaintiff wishes to appeal from my denial of the application for leave to proceed in forma pauperis, he must file his appeal to the District Court from this Order within 10 days of the date of this Order.

4. Plaintiff is advised that in the event that he fails to either pay the filing fee or file an appeal from this Order within the time frames set forth above, the District Court will issue an Order dismissing this cause without prejudice.

5. This matter is returned to the District Court.

SIGNED on December 7, 2007.

Nancy Stein Nowak
NANCY STEIN NOWAK
UNITED STATES MAGISTRATE JUDGE